

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Agenda~

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

<http://id-moscow.civicplus.com/agendacenter>

Wednesday
June 10, 2020

7:00 PM

Council Chambers
206 E 3rd Street

Call to order

1. Approval of minutes from May 13, 2020 [ACTION ITEM]

ACTION: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. Public Hearing: Proposal for rezone of a 30-acre parcel of land located at approximately 2800 South Highway 95 within the Area of City Impact. – LUP2020-0012 [ACTION ITEM]:

Proposed rezone of a 30-acre area of land located at approximately 2800 South Highway 95 within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone. The subject property is within the Moscow Area of City Impact. The City of Moscow Planning and Zoning Commission will make a recommendation to the Latah County Board of County Commissioners regarding this matter.

ACTION: Conduct the public hearing upon the proposed rezone request and upon consideration of any testimony presented, recommend approval of the rezone request to Latah County and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend approval of the rezone request to Latah County with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend denial of the rezone request to Latah County and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

3. Report on Subdivision Code Ordinance

4. Report on 5G/Small Cell Ordinance

5. Announcements

ACTION: Read any correspondence received and provide staff further direction if necessary.

Adjourn

NOTICE: Moscow City Council Commission meetings can be televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
May 13, 2020

Mike Ray
Staff Liaison

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<http://id-moscow.civicplus.com/agendacenter>

208.883.7008

Hamilton called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: via Zoom: Wendy McClure, Chair; Rich Beebe, Joel Hamilton, Mike Nelsen, Robb Parish, Nels Reese, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: Scott Gropp

ALSO IN ATTENDANCE: via Zoom: Mike Ray, Sandra Kelly
via live stream: Anne Peterson

1. Approval of minutes from March 11, 2020 [ACTION ITEM]

Parish moved approval of the minutes as presented, seconded by Wilson. Motion carried by acclamation with an abstention from Reese who was still in the process of connecting.

2. Proposed RV Park at 913 W Palouse River Drive – LUP2020-0001 [ACTION ITEM]:

A proposal for a Recreational Vehicle (RV) Park located within the existing Palouse Hills Mobile Home Park at 913 W Palouse River Drive.

The park was first established in the 1970's on 3.94 acres with a looped access drive. The applicant has been in the process of improving the park since 2015 and finds about 10 of the existing 33 sites difficult to accommodate mobile homes but could be suitable for RVs or tiny homes. Subject property is currently zoned Motor Business and is surrounded by Farm-Ranch zoning to the west, a combination of R-1, R-2 and R-3 residential to the north, MB to the east and Industrial to the south. RV parks are a permitted use within the MB zoning district with approval by this Commission.

Ray reviewed RV Park Standards including minimum RV space size and separation, sanitary facilities (which don't apply in this instance because all units would be required to be self-contained), open space, refuse collection, street standards for internal traffic, and utilities. The existing park meets all these requirements. Staff recommended approval of the application and waiver of the final plan review.

In response to a couple questions from Commissioners, Ray clarified that the specific request before them tonight was approving RV use within the existing mobile home park, and that this type of approval is required on a case-by-case basis for any mobile home park. Staff are recommending waiver of final plan approval because it is within the Commission's authority when preliminary plans are found to be in substantial compliance with the requirements for final plans, which staff feel has been met by the existing mobile home park. Wilson moved approval of the application and waiver of final plan review. Seever seconded the motion which carried with an abstention from Mike Nelsen who momentarily lost connection.

3. Proposed RV Park at 713 Brent Drive – LUP2020-0007 [ACTION ITEM]:

A proposal for a Recreational Vehicle (RV) Park located within the existing Bluebird Mobile Home Park at 713 Brent Drive.

Ray presented the proposal which is very similar to the one above. The existing mobile home park was established in the 1970's as Loney's Trailer Court. Subject property is 2.54 acres with a one-way looped

access drive and 23 spaces. It is currently zoned Motor Business and all surrounding parcels are also MB except for a small area of R-3 and R-4 Residential zoning abutting the property to the north. The existing mobile home park meets all current RV park standards. Staff recommended approval of the application and waiver of the final plan review. Parish moved approval of the application and the waiver of final plan review. Nelsen seconded the motion which carried unanimously.

4. Preliminary Development Review at 201 W Sixth Street – Flatiron Development [ACTION ITEM]

On September 8, 2018, the Urban Renewal Agency published a request for proposals for the disposition and development of the portions of their Sixth and Jackson property that would remain after the development of Hello Walk. At the Agency's February 21, 2019 meeting, the Agency Board selected the proposal from Roderick Olps and directed staff to prepare the Exclusive Negotiation Agreement (ENA) between Mr. Olps and the Agency. On March 7, 2019 the Board approved an Exclusive Negotiation Agreement (ENA) with Mr. Olps for the disposition and development of the Agency's Sixth and Jackson property. Since the subject property is located within the Legacy Crossing Overlay District, the proposed development is subject to the Legacy Crossing Design Guidelines and requires review and approval from the Planning and Zoning Commission. Mr. Olps has submitted development plans to be reviewed by the Commission for conformance with the design guidelines.

Ray presented the Flatiron Development proposal for the southwest corner of Sixth and Jackson intersection which is currently owned by the Moscow Urban Renewal Agency. It is within the Urban Mixed Commercial zoning district in the Legacy Crossing Urban Renewal District. The underlying UMC zoning regulates the uses and bulk/dimensional requirements, and the Legacy Crossing overlay district is an additional review process meant to complement the City zoning regulations. The Design Guidelines created for Legacy Crossing were intended to make sure redevelopment is consistent with the community's vision of that area, bridging continuation of downtown to the university, and are utilized by staff, the Commission, and City Council for review of all proposals within the District. Ray said some flexibility is intended within the Guidelines, so minor deviations and variations are allowed when justified. The appropriate public comment period has been noticed and posted on-site from March 14 to March 30, 2020. No comments were received. The Commission's role is to verify this proposal sufficiently meets the Design Guidelines.

Ray showed the project site plan including the Hello Walk section transecting the parcel. Parking lot standards have been met as well as landscaping, refuse collection and required bicycle parking. Ray reviewed the proposed building plans outlining the proposed mixed uses including commercial, office, residential, restaurant and rooftop patio. The proposed brick façade, windows and awnings are all in conformance with the Design Guidelines. One of the main reasons the MURA purchased this parcel was to facilitate development of the portion of Hello Walk connecting campus with downtown. Therefore, project requirements include incorporation and development of Hello Walk. Ray went through each requirement within the Design Guidelines and confirmed the proposal met all requirements. Ray pointed out the parking requirements within the UMC zone require parking for residential uses only, at 1.25 spaces per unit. This proposal would require 8 spaces but the developer is providing 25. Staff review of the proposal indicates it is substantially within conformance of the Guidelines and staff recommended approval of the proposed development.

Parish asked for clarifications on who will be responsible for development of Hello Walk. Ray said the MURA has already done the plaza and much of the streetscape improvements, so the remaining development will become part of the negotiation process for the parcel. Parish asked if construction of Hello Walk could be a condition of approval by P&Z. Ray thought it was inherent in the approval of the proposal but didn't want to speculate on behalf of the MURA. Seever said she has followed the project closely and thought the MURA planned to construct Hello Walk after construction of the subject proposal. The developer, Rusty Olps, also thought MURA planned to cover that cost but it was immaterial to the viability of his project. Seever cautioned about a conflict between street trees and window awnings for the prior developer and Olps said they are working on it.

McClure thought the proposal met the design guidelines well. She was concerned about Olps's ability to fill the office space since University Pointe right next door hasn't been able to fill theirs. Olps said the current economic situation related to Covid-19 is pretty devastating but he thought the project offered a lot. He couldn't predict the economy, but said he's been working on the project for almost two years and is heavily invested. He wants to see it happen but not if he'll have to give it to the bank upon completion. Seever applauded Olps's determination and thanked him for his determination in seeing this exciting project through. Hamilton moved to approve the preliminary development review, seconded by Seever. Motion carried unanimously.

5. Announcements

None.

McClure asked Ray for an update on future Commission meetings. Ray said all Commissions were cancelled for May with the exception of quasi-judicial Commissions on an as-needed basis. The current feeling is that June meetings will go back to regular public meeting format in Council Chambers, but staff are waiting for final determination by Administration.

The meeting adjourned at 8:15 p.m.

Wendy McClure, Chair

COMMUNITY PLANNING AND DESIGN DEPARTMENT STAFF REPORT

HEARING DATE: June 10, 2020

GENERAL INFORMATION

Hearing Body: Planning and Zoning Commission

Subject: Proposed rezone of a 30-acre parcel of land located at approximately 2800 South Highway 95 within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone.

Attachments:

1. Notice of Public Hearing
2. Application for Rezone
3. Site Map

Prepared by: Mike Ray, AICP – Planning Manager

STAFF REVIEW

Proposal: The applicant, Steven Clyde, is proposing to rezone a 30-acre area of land located at approximately 2800 South Highway 95 from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone.

Since the subject property is located within the Area of City Impact, per the City of Moscow's ACI agreement with Latah County, Moscow's Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.

Site and Area Land Use: The subject property is a 30-acre area of land that currently undeveloped and being utilized as agricultural property. The subject property is surrounded by primarily agricultural land to the east, Early Bird Building Supply to the north, a rural residential house to the west, and a private drive that provides access to six houses to the south.



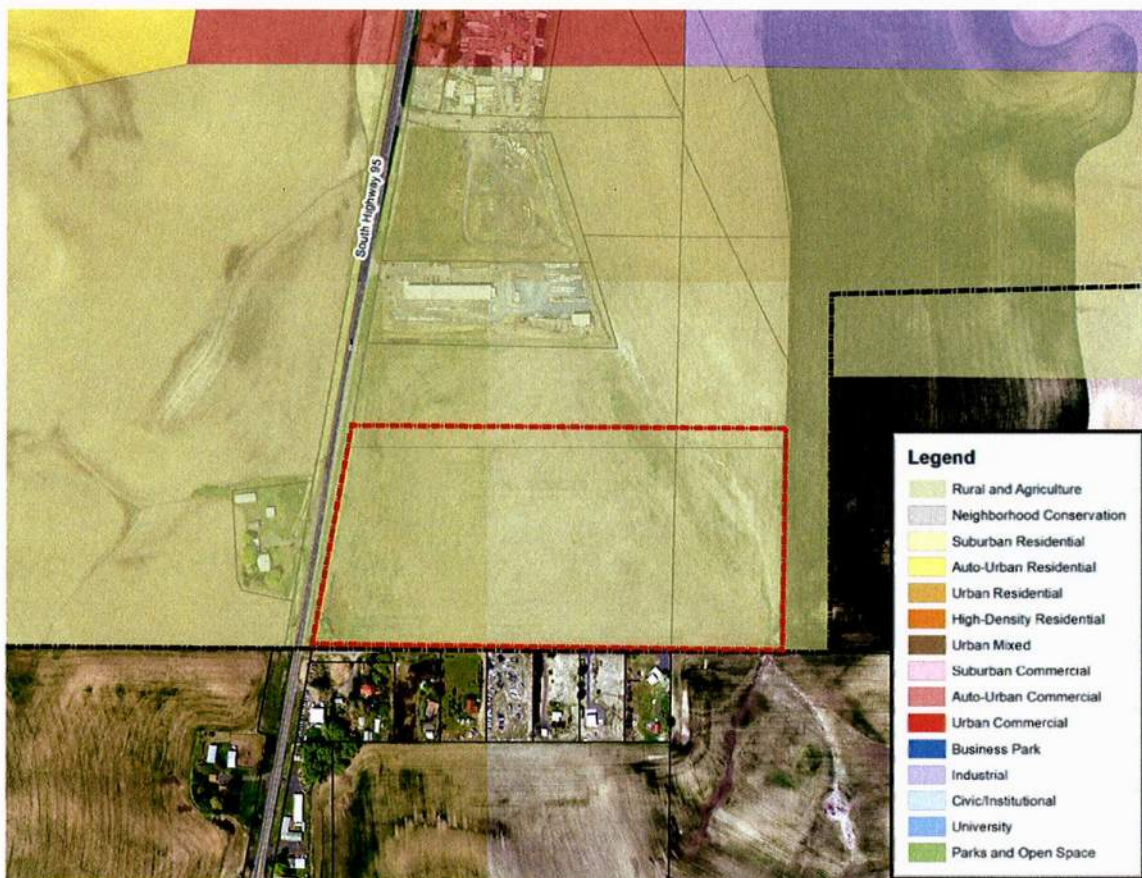
Vicinity Map



Aerial of Subject Property

Comprehensive Plan: Within the 2019 Moscow Comprehensive Plan, which has been adopted within the Area of City Impact, the subject property is currently designated as Rural and Agricultural. According to the 2019 Comprehensive Plan, Rural and Agricultural designated areas are intended to,

“allow continued use for agricultural purposes with allowances for limited residential development at very low densities. Lands with this designation should be preserved for agricultural use and development should be directed to areas in closer proximity to the City where municipal utilities are available and land can be efficiently developed and serviced. Areas shown as Agriculture on the Future Land Use Plan are outside of the 10-year growth area (refer to Chapter 5, Public Utilities, Services, and Growth Capacity) and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/ Forestry (AF) and Farm, Ranch, and Outdoor Recreation (FR).”



2019 Comprehensive Plan Land Use Map

Zoning: The subject property and adjacent properties immediately to the east, west, and north are currently zoned Agriculture/Forestry (AF). Properties to the south are located

outside of the Area of City Impact in Latah County. The applicant is proposing to rezone the 30-acre area from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone.

According to the City of Moscow Zoning Code, the FR Zone is,

“intended to permit current agricultural, outdoor recreation and other open land uses to be maintained and at the same time to set minimum standards for the development of similar new uses in order that this open zoning district be protected against spasmodic, disorderly and indiscriminate development until such time as another appropriate use of the land in this zoning district has been determined. It is also intended that newly annexed areas of the City be placed in this classification until land use studies determine the character and appropriate use of such areas.”

Uses permitted within the FR Zone include single family dwellings, market and community gardens, group child care facilities, public parks and recreation facilities, and bed and breakfast inns.



Existing Zoning



Proposed Zoning

Access, Streets, Traffic: The subject property has property frontage along Highway 95. Highway 95 is designated as a National Highway and is developed as a 24 foot wide paved roadway with northbound and southbound travel lanes and minimal gravel shoulders on both sides.

RECOMMENDATIONS:

Staff recommends that the City of Moscow Planning and Zoning Commission conduct the public hearing and put forth a recommendation of approval of the proposed rezone from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone with no conditions.

NOTICE OF PUBLIC HEARING

Proposal for Rezone at 2800 South Highway 95 in the Area of City Impact
Permit Application LUP2020-0012

A public hearing at which you may be present and speak will be conducted by the Moscow Planning and Zoning Commission at which time the following proposition will be discussed for land generally shown on the vicinity map below:

Public Hearing: Proposed rezone of a 30-acre area of land located at approximately 2800 South Highway 95 within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone.

The subject property is within the Moscow Area of City Impact. The City of Moscow Planning and Zoning Commission will make a recommendation to the Latah County Board of County Commissioners regarding this matter.

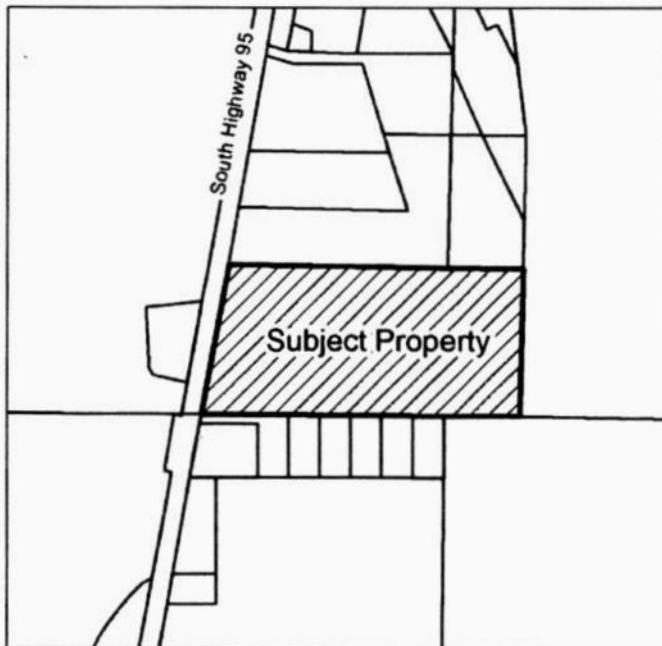
MEETING DATE: Wednesday, June 10, 2020

HEARING LOCATION: Council Chambers, Second Floor, Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 p.m.

Note: Meeting start time is not necessarily indicative of the start time for review of the application advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine start time for review of application advertised in this notice, which could occur late in the meeting.

The file containing information on this matter is available for public review (an appointment may be necessary) at the Community Development Department located in the Paul Mann Building, 221 East Second Street, Moscow, Idaho. You may also call 883-7035 to get a meeting agenda, further information about the application, the public meeting process and/or to request a meeting with City Staff. Public participants desiring to submit textual materials (excluding petitions) to the decision-making board shall do so at least five (5) calendar working days in advance of the scheduled meeting to the Community Development Department. Additionally, you may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie M. Hopkins, Moscow City Clerk



Anne Peterson, Deputy Clerk

Publish: Saturday, May 23, 2020



LATAH COUNTY
PLANNING and BUILDING
 Ph: 208-883-7022
 Fax: 208-883-7225
pb@latah.id.us



CITY of MOSCOW
COMMUNITY DEVELOPMENT
 Ph: 208-883-7035
 Fax: 208-883-7033
apeterson@ci.moscow.id.us

For Office Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
LC	Application Fee	\$550	4/30/20
	Receipt Number	2731	
	Forwarded to City	5-11-20	
CD	Hearing Date	LUP2020-0012	

RZ1135

APPLICATION FOR ZONING AMENDMENT AREA OF IMPACT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Steven Clyde (owner) by Sean Wilson Telephone: (208) 596-8170
128 E 3rd. St., Moscow, ID 83843
 (mailing address)

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: Steven Clyde Telephone: (509) 336-3833
 (mailing address)

3. Location of Affected Property: US 95 S., just South of Early Bird Supply

Acres: 30 Legal Description: RP39N05W199210 & 9450,
 (Parcel Number) (Subdivision if Applicable)

If described by Metes and Bounds, please attach deed on a separate sheet.

INFORMATION ON REQUESTED REZONE

4. Proposal: The applicant requests a rezone on the above-described property as follows:

From: Agriculture Forest (Latah County) to: Farm/Ranch
 (current zoning) (proposed zoning)

5. **Reason:** Applicant requests a rezone for the following reason(s): Topography and location of the property is conducive to ranchette setting. Current parcel is separated from other farmland, and adjacent development makes the highest and best use of the property better as residential.
6. Before the City of Moscow and Latah County can approve a zoning amendment request, they must first make findings of compliance with the following five Relevant Criteria and Standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each item:
- A. The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.
The rezone is conforming to the comprehensive plan as written.
- B. The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.
Rezone takes into topography and adjacent residential uses to transition from the nearby Industrial and Motor Business uses. Applicant intends to rezone the most northerly portion of this parcel to a commercial use at the time the comprehensive plan may be changed to auto-urban Commercial
- C. The uses expected to occur as a result of the rezone will be compatible with the surrounding area.
Immediately adjacent to this property to the South is in Latah County and Zoned Rural Residential. The intent is to have platted parcels serve as a buffer between the more intensive commercial uses to the north which are adjacent to the remaining portion of the parcel.
- D. The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.
There would be no additional impact on services as existing services are in place. Idaho Transportation Department shows traffic counts would not require a traffic study or a turn lane.
- E. The size, type, and density of development expected to occur as a result of the rezone can be adequately served by existing transportation network, public facilities and services.
Existing highway would serve the parcels, septic systems would provide septic disposal, and private well would provide water. Wells in the area show good production. Parcels are adequately sized to provide room for well and septic separation, replacement fields for septic if necessary and as a buffer between more intensive commercial vs. residential uses.

Notification: The Idaho Code requires that all property owners located within 300 feet of the affected property receive notification of the public hearing to be conducted regarding any rezone request.

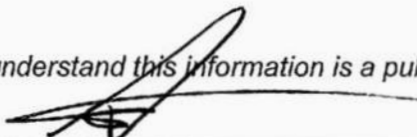
The City/County shall have the authority to require any additional information they consider necessary to render a fair decision and recommendation on a rezone request.

All questions addressed on this application and the application itself must be filed with the County Planner who will forward the application within 7 days to the City of Moscow. The City will schedule a public hearing. The applicant will be notified by the City as to the time and place of the hearing pertaining to this application. The applicant or his/her duly-appointed representative must be present at the public hearings. The City will make written recommendation to the County within twenty-three (23) days. County may accept, reject, or modify City's recommendation in whole or in part. In doing so, County may rely on the record of City's public hearing, or may hold its own public hearing before County's Zoning Commission or Board of Commissioners.

The following materials must be included with this application:

1. Application fee.
2. If a legal description of the affected property is given by Metes and Bounds, a separate sheet containing that description.

I understand this information is a public record and may be posted to a public website.


Applicant's Signature

4-13-2020
Date


Property Owner's Signature

4/13/2020
Date

STEVEN CLYDE REZONE LEGAL DESCRIPTION

A parcel of land located in the southeast quarter (SE1/4) of Section 19, and in the southwest quarter (SW1/4) of Section 20, Township 39 North, Range 5 West of the Boise Meridian, Latah County, Idaho described as follows:

BEGINNING at the southeast corner of said Section 19;

Thence South $89^{\circ}09'06''$ West along the south line of said Section 19 a distance of 1288.66 feet to a point on the easterly right-of-way line of US Highway 95, Federal Aid Project No. 18-A(2); Thence North $09^{\circ}00'43''$ East along said easterly right-of-way line 355.0 feet, more or less, to an angle point; Thence South $80^{\circ}59'17''$ East a distance of 25.0 feet; Thence North $09^{\circ}00'43''$ East along said easterly right-of-way line a distance of 350.0 feet, more or less, to an angle point; Thence North $80^{\circ}59'17''$ West a distance of 25.0 feet to an angle point on said easterly right-of-way line; Thence North $09^{\circ}00'43''$ East along said easterly right-of-way line a distance of 100 feet; Thence East parallel with the southern boundary line of Section 19 to a point on the eastern boundary of Section 19; thence east parallel with the southern boundary line of Section 20 397.85 feet; thence south to a point on the southern boundary of Section 20; thence west along the southern boundary of Section 20 a distance of 397.85 to the southeast corner of Section 19 and the Point of Beginning.

